

GREAT YARMOUTH BOROUGH COUNCIL
DRIVERS OF TAXIS AND PRIVATE HIRE VEHICLES –
POLICY ON CONVICTIONS

1. The public are entitled to have the utmost confidence in drivers of taxis and private hire vehicles. The Council must ensure that only fit and proper persons obtain drivers' licences.

2. In deciding whether an individual is a fit and proper person to be granted a drivers licence previous convictions and cautions are very relevant. For this reason applicants for new licences must declare all previous convictions and cautions, even if they are "spent". The information provided by applicants will be checked with the Criminal Records Bureau to ensure its accuracy.

3. Existing licence holders must inform the Council of any convictions and cautions they receive. Periodic checks will be made with the Criminal Records Bureau to ensure the Council's records are up to date.

4. It is difficult to lay down precise guidelines as to when a conviction or caution will lead to an application being refused, or an existing licence being revoked or suspended. However the following guidelines will hopefully be of assistance to applicants and licence holders alike.

5(a) Offences involving dishonesty, assault, indecency, drink and drugs and reckless or dangerous driving will be viewed particularly seriously.

(b) Cautions will generally be viewed less seriously than convictions.

(c) The penalty imposed by a court following conviction will be relevant. Generally the higher the penalty, the more seriously the offence will be regarded.

(d) The number of offences will be relevant, as will the period free of convictions.

(e) Applications are likely to be refused if a serious offence has been committed in the past five years. An existing licence holder is likely to have his licence revoked if he is committed of a serious offence.

6 Relevant offences

a) Minor Traffic Offences

Minor motoring offences, such as speeding, driving without due care and attention and failing to obey road signals and markings will be relevant in deciding whether an application should be refused, or a licence revoked or suspended.

Generally no formal action will be taken unless the individual has had 6 penalty points placed on his driver's licence in the preceding 12 months. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a

hackney carriage/PHV licence may be granted after its restoration but a warning shall be issued as to future conduct.

b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc. could, depending on the gravity of the offence, merit a warning as to future driving and advice on the standard expected of hackney/PHV drivers. More than one conviction for this type of offence within the last 2 years shall merit refusal and no further application shall be considered until a period of 1 – 3 years free from conviction has elapsed.

c) Drunkenness

i) With Motor Vehicle

A serious view shall be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident shall not necessarily debar an applicant but strict warnings shall be given as to future behaviour. More than one conviction for these offences shall raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years shall elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination shall be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years shall elapse after treatment is complete before a further licence application is considered.

ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence shall be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she is an addict.

(e) Indecency Offences

As hackney carriage/PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences, shall be refused until they can show a substantial period (at least 3 – 5 years) free of such offences. More than one conviction of this kind shall preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct shall be issued.

(f) Violence

As hackney carriage/PHV drivers maintain close contact with the public, a firm line shall be taken with applicant's who have convictions for grievous bodily harm, wounding or

assault. At least 3 years free of such convictions shall be shown before an application is entertained and even then strict warning shall be administered.

(g) Dishonesty

Hackney carriage/PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons, a serious view shall be taken of any conviction involving dishonesty. In general, a period of 3 – 5 years free of conviction shall be required before entertaining an application.

7. A formal written warning may be given to an individual who has a conviction, or been issued with a caution, when it is not considered appropriate to revoke or suspend his licence. In such a case a further conviction or caution is likely to lead to the licence being revoked or suspended.

8. If the Licensing Officer considers that an application should be refused, or a licence revoked or suspended, she will arrange to see the individual so that the full facts can be ascertained. If, following the interview, she is still of the view that the application ought to be refused, or the licence revoked or suspended, the matter will be considered by the Licensing Committee. The individual will be notified of the time and date of the meeting and will be able to attend and speak. He will be entitled to be represented at the meeting by a friend, colleague or solicitor.

9. If the Licensing Committee refuses the application, or revokes or suspends the licence, the individual has a right of appeal to the Magistrates' Court.

10. For further information please contact:

Fred Hoyle, Licensing Enforcement Officer – 01493 846304

Julie Wells, Taxi Licensing Officer – 01493 846201

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